

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

JEFFREY GIUTTARI SNARKE, PRO SE,
TDCJ-CID No. 1755420
Gray County ID No. 080118,

Plaintiff,

v.

CINDY BARKLEY, D.P.S. Trooper;
HEATH PRATER, D.P.S. Trooper;
DON L. JOHNSON, D.P.S. Trooper; and
JOHN DOE, Deputy Sheriff,
Ochiltree County, and
JOHN DOE #2, Sheriff,
Ochiltree County,

Defendants.

§ 87(2)(b)

2:11-CV-0249

ORDER OF DISMISSAL

Plaintiff JEFFREY GIUTTARI SNARKE, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, originally filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and has been granted permission to proceed *in forma pauperis*.

On August 23, 2012, the Magistrate Judge issued a Report and Recommendation analyzing plaintiff's claims and recommending dismissal with prejudice to being asserted again until the *Heck* conditions are met, *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996); with prejudice as frivolous; without prejudice under Rule 12(b)(1); and for failure to state a claim on which relief can be granted.

Plaintiff filed his Objections on September 4, 2012.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff.

The Court is of the opinion that plaintiff's objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge

IT IS THEREFORE ORDERED that the Civil Rights Complaint by JEFFREY GIUTTARI SNARKE is DISMISSED WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE *HECK* CONDITIONS ARE MET, *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996); WITH PREJUDICE AS FRIVOLOUS; WITHOUT PREJUDICE UNDER RULE 12(b)(1); AND FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

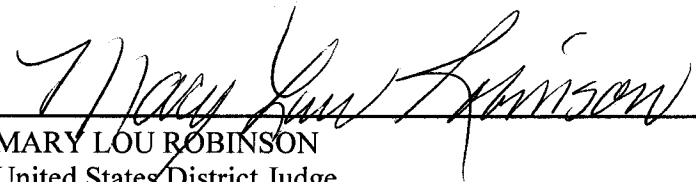
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 27th day of March, 2013.



MARY LOU ROBINSON
United States District Judge